

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2003-0777, In the Matter of Muriel D. Vaillancourt and David J. Vaillancourt, the court on January, 26, 2005, issued the following order:

The respondent, David A. Vaillancourt, appeals his divorce decree. He contends that the trial court erred in considering fault conduct as a basis for its order of alimony when the divorce was granted on the grounds of irreconcilable differences. We affirm.

Following oral argument, we remanded this case to allow the trial court to conduct a record review to determine whether it had considered fault conduct in making its award of alimony. Having reviewed the trial court's response, we find no error in its award. See In the Matter of Levreault and Levreault, 147 N.H. 656, 657 (2002) (trial court has broad discretion in awarding alimony; award will not be overturned on appeal absent unsustainable exercise of discretion).

Affirmed.

BRODERICK, C.J., and DALIANIS and GALWAY, JJ., concurred.

**Eileen Fox
Clerk**

Distribution:

Clerk, Family Division at Derry 2002-M-0661

Honorable John M. Lewis

Honorable John A. Korbey

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File